

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Quentin L. Brisbane,	)	C.A. No. 4:04-0401-HMH-TER
	)	
Plaintiff,	)	<b>OPINION &amp; ORDER</b>
	)	
vs.	)	
	)	
Beaufort County Sheriff's Department,	)	
Cpl. C.I. Wilson, Sgt. J. Purdy, and	)	
S. Rodriguez,	)	
	)	
Defendants.	)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1) and Local Rule 73.02 DSC.<sup>1</sup> Quentin L. Brisbane ("Brisbane"), a state prisoner proceeding pro se, brought an action under 42 U.S.C. § 1983 alleging various violations to his civil rights. In his Report and Recommendation, Magistrate Judge Rogers recommends granting the Defendants' motion for summary judgment and denying Brisbane's motion for summary judgment.

Brisbane filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Brisbane's objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the Magistrate Judge's Report and the record in this case, the court adopts Magistrate Judge Rogers' Report and Recommendation.

In addition, Brisbane filed a motion to disqualify the Defendants' counsel on the basis that "the court did not authorize the defendants' substitution of counsel . . . ." in a written order. (Mot. Disqualify 2.) This motion is denied because it is wholly without merit. Kelly K. Walker moved to withdraw because she no longer worked for the law firm handling this case. The court granted Kelly K. Walker's motion to withdraw as counsel on December 15, 2005.

Therefore, it is

**ORDERED** that the Defendants' motion for summary judgment is granted. It is further

**ORDERED** that Brisbane's motion for summary judgment is denied. It is further

**ORDERED** that Brisbane's motion to disqualify counsel is denied.

**IT IS SO ORDERED.**

s/ Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
February 2, 2006

#### **NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.